

# EXHIBIT 1

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2                   **UNITED STATES DISTRICT COURT**  
3                   **NORTHERN DISTRICT OF CALIFORNIA**  
4                   **SAN FRANCISCO DIVISION**

5  
6 RICHARD KADREY, et al.,  
7                   Individual and Representative Plaintiffs,  
8                   v.  
9 META PLATFORMS, INC., a Delaware  
corporation,  
10                  Defendant.

Case No. 3:23-cv-03417-VC-TSH

**DECLARATION OF JAMIE BROWN  
FOR META'S FEB. 12, 2025 LETTER  
TO THE COURT**

1 I, Jamie Brown, declare under penalty of perjury as follows:

2       1. I am a Vice President of Strategic Consulting Services at Lighthouse Document  
3 Technologies, doing business as Lighthouse. I am an attorney and legal consultant, specializing in  
4 information law, which includes e-discovery. I have over 24 years of in-house, government, and  
5 law firm experience, which I draw upon to advise clients on various challenges related to the use  
6 of information and technology in litigation and investigations, particularly as it evolves.

7       2. As set forth more fully below, Lighthouse is considered a leading provider of  
8 eDiscovery services. Meta Platforms, Inc. (“Meta”), the Defendant in the above captioned matter,  
9 is a client of Lighthouse.

10      3. I submit this declaration at Defendant Meta’s request and understand an issue has  
11 arisen involving documents inadvertently sequestered (or suppressed) from review and  
12 production. In connection with this issue, I interviewed several members of Lighthouse’s team  
13 who were and are responsible for various aspects of supporting Meta in connection with this  
14 matter. I am familiar with the facts contained herein and am prepared to competently testify to the  
15 extent required.

16 **Lighthouse Overview**

17      4. Lighthouse provides eDiscovery services to companies and their outside counsel. It  
18 has been in business for over 30 years, serving more than 500 global clients across various  
19 industries, including technology, life sciences (e.g., pharma, healthcare, biotech) and financial  
20 services. Lighthouse partners with its clients to design, standardize, implement, audit and  
21 continuously innovate on eDiscovery service models that adapt to emerging market trends and  
22 business requirements. Lighthouse employs a deep bench of experts that have significant  
23 operational experience working in-house at large companies and law firms, which allows  
24 Lighthouse to more effectively partner with clients.

1       5. Lighthouse has extensive experience processing ESI – it leverages a variety of tools  
 2 and the comprehensive expertise of team members who have extensive credentials to ensure  
 3 ongoing evolution in the space. Team members have, on average, twelve years of experience;  
 4 they also have advanced degrees (e.g., JD, MA, Ph.D.) in pertinent fields such as data science  
 5 and/or linguistics; and a long list of certifications. Relativity certifications by number include:  
 6 Relativity Masters (6); Relativity Experts (13); Relativity Certified Administrator (71); Relativity  
 7 Analytics Specialist (20); Relativity Infrastructure Specialist (2); Relativity Processing Specialist  
 8 (12); Relativity Project Management Specialist (9); Relativity Review Management Specialist  
 9 (57); Relativity Certified Sales Pro (13); RelativityOne Certified Pro (28); RelativityOne Review  
 10 Pro (17); and Relativity Certified Trainer (3). The certifications held by Lighthouse’s experts  
 11 reflect their deep knowledge and capability in managing complex data sets, performing analysis  
 12 and utilizing industry-leading software platforms. This extensive expertise allows Lighthouse to  
 13 provide tailored solutions that meet the specific needs of its clients, ensuring that all aspects of  
 14 ESI processing are handled with the highest level of professionalism and technical proficiency.

15 **Issue Description**

16       6. Meta uses a messaging application called Workplace Chat (“WPChat”) for business  
 17 communications and collaboration. In connection with this matter, Meta collected certain  
 18 WPChat data, which it provided to Lighthouse to process.

19       7. Data processing involves the use of technology to deduplicate, normalize, extract  
 20 and organize data to facilitate review by outside counsel for responsiveness (and privilege). How  
 21 data gets processed is driven by the specific technology at issue – in this case, WPChat – as well  
 22 as the workflow and tools used by Lighthouse to perform processing activities. It is also driven by  
 23 client specifications typically codified in an ESI Protocol or ESI Order.

24       8. In this case, Lighthouse uses an industry standard processing tool called Nuix along

with a review and analysis tool called Relativity, both of which are third-party “best-in-class” technologies that Lighthouse licenses.<sup>1</sup> Lighthouse builds custom workflows around these tools to ensure data is processed and reviewed efficiently and effectively.

9. Relativity regularly updates its technology to meet the ever-changing needs of its clients. Approximately 30-35% of these updates require Lighthouse to adjust its processes.

10. The inadvertent sequestration (also referred to in eDiscovery as “suppression”) of certain WPChats stems from a Relativity upgrade Lighthouse implemented on November 9, 2024 that required a change in how WPChats were deduplicated. The term sequestration (in this context) refers to the process of excluding certain data from the review and/or production set - in this case, duplicative content. To be clear, sequestered messages are not deleted from the database, rather, they are merely removed from the set that is reviewed and ultimately produced given that they are duplicative.

11. Because of the November 9th upgrade, Lighthouse could no longer use the previous method it was using for WPChat deduplication in this matter. On November 11, 2024, Lighthouse pivoted to a different technical solution for WPChat deduplication. Unfortunately, the process of implementing that solution broke down, resulting in the unintended sequestration of certain messages during the review and production phases of the project.

12. Note that some of these messages had been reviewed prior to sequestration, some had been produced, and some had not yet been reviewed. On February 6, 2025, I understand that Meta and its counsel were preparing documents for a court-ordered review and, in connection with that process, Lighthouse identified this technical issue for the first time, which it has since

<sup>1</sup> Relativity is a third party e-discovery and document review platform widely used by corporations and law firms to manage large amounts of data for collection, review and production during litigation or other legal proceedings. It has been the most commonly used review tool in the industry for more than 15 years.

1 remedied.

2 **WPChat Processing**

3 13. For each WPChat, a record is created for each chat participant. These records are  
 4 identical except for the “From” field, which will vary based upon the participant’s name. This  
 5 single difference makes deduplication more difficult.<sup>2</sup> Until the discovery of the technical issue at  
 6 hand, Lighthouse used Relativity Analytics “Duplicate Spares” technology to deduplicate  
 7 WPChats.

8 14. But, on November 9, 2024, Lighthouse implemented Relativity’s latest upgrade  
 9 (2023 Server Upgrade), which rendered the Relativity Analytics “Duplicate Spares” tool  
 10 inoperative for purposes of deduplicating WPChats. On November 11, 2024, Lighthouse pivoted  
 11 to another Relativity Analytics technology called “Textual Near Duplicate” or “TND” analytics  
 12 coupled with Regular Expression to deduplicate WPChats. These two tools combined served to  
 13 exclude the “From” field from consideration against otherwise duplicative documents.

14 15. For background, Relativity’s TND analytics is designed to evaluate the textual  
 15 similarity between documents by examining the content of documents at a detailed level. This  
 16 process involves extracting text from documents or leveraging Optical Character Recognition  
 17 (“OCR”) to convert scanned or image-based text into machine-readable content. The tool then  
 18 utilizes algorithms to compare various elements, including word usage, sentence structures and  
 19 overall content patterns, ultimately generating a similarity percentage that reflects how closely the  
 20 documents resemble one another. This percentage is variable, but in this case, Lighthouse set the  
 21 percentage to 100% (which means that the documents are 100% substantively identical other than  
 22 the “From” field). By pinpointing documents with high similarity scores, duplicate detection

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24 <sup>2</sup> Deduplication is a common industry practice, as it helps streamline review and reduces  
 unnecessary costs associated with the process/hosting/review of duplicative data.

1 helps minimize redundancy. This technique is especially valuable when managing large datasets,  
2 ensuring consistency in information processing and identifying subtle variations in documents that  
3 are otherwise substantively identical.

4       16. In this case, Lighthouse implemented Relativity's TND analytics together with  
5 Regular Expression to deduplicate WPChats. Regular Expression is a search method used to  
6 identify specific patterns within text. By applying pattern matching, Regular Expressions enable  
7 users to search for particular character sequences. This approach is used for tasks like data  
8 extraction, text validation and executing complex search operations. When used together, TND  
9 analytics and Regular Expression enable Lighthouse to identify chats that are entirely duplicative  
10 when the "From" field is excluded from analysis.

11 **Lighthouse's Technical Application of TND Analytics**

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

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15 **Root Cause and Impact Analysis**

16 19. On November 9, 2024, Lighthouse implemented a Relativity-required upgrade that  
17 rendered Lighthouse's previous deduplication method (Duplicate Spares) inoperable, requiring it  
18 to come up with a new way to deduplicate WPChats.

19 20. On November 11, 2024, Lighthouse began using TND analytics coupled with  
20 Regular Expression to deduplicate WPChats. Lighthouse continued to use this technology  
21 through the conclusion of fact discovery in this matter. On February 6, 2025, Meta and its counsel  
22 were preparing documents for a court-ordered review and, in connection with that process,  
23 Lighthouse identified this technical issue for the first time.

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1 [REDACTED] [REDACTED]  
2 [REDACTED]  
3 22. The following is a summary of the factors that contributed to the process  
4 breakdown:

- 5 a. Although TND analytics appears straightforward, the implementation of the  
6 technology is complex. In fact, Relativity's own documentation says this: "While  
7 textual near duplicate identification is simple to understand, the implementation is  
8 complex and relies on several optimizations so that results can be delivered in a  
9 reasonable amount of time." ([https://help.relativity.com/Server2023/Content/Relativity/Analytics/Textual\\_near\\_duplicate\\_identification.htm](https://help.relativity.com/Server2023/Content/Relativity/Analytics/Textual_near_duplicate_identification.htm)).  
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21 [REDACTED]

22 23. Of the approximately 18,000 documents inadvertently sequestered within the  
23 Relativity database (*which included a mix of reviewed and unreviewed documents*), approximately  
24 3,200 were previously produced to Plaintiffs; and approximately 3,400 of these documents were  
25

1 reviewed and maintained solely for the purpose of a null set review under the ESI Order. These  
2 documents were deemed non-responsive in the null set review and thus, were not produced.

3 24. Of the approximately 11,000 remaining documents, a large portion were previously  
4 reviewed prior to the sequestration and deemed non-responsive.

5 **Lighthouse's Quality Control Methods**

6 25. There are three aspects of the Lighthouse's quality control ("QC") methods that are  
7 relevant here. The first is [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED] Here, this phase of the QC process would not have caught the issue

13 explained above.

14 26. The second QC involves [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 27. The third QC involves [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

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28. In addition to the contributing factors described in Paragraph 22, there was also a breakdown in the QC process because [REDACTED] was not apparent to members of the QC team.

29. Note that, Lighthouse has since modified the search for sequestration to account for all steps described in Paragraph 18. It has tested the results and audited the sequestered documents folder. Finally, it has confirmed no additional documents were inadvertently affected.

I affirm under penalty of perjury of the laws of the State of New York that the foregoing statement is true and correct. Executed on February 12, 2025 in New York, New York.

Jamie Brown